

Patricia L. Refo (#017032)
Daniel M. Staren (#035425)
SNELL & WILMER L.L.P.
One East Washington St., Ste. 2700
Phoenix, AZ 85004-2556
Telephone: 602.382.6000
Facsimile: 602.382.6070
E-Mail: prefo@swlaw.com
dstaren@swlaw.com

Andrew Levine (*pro hac vice*)
Jeffrey M. Theodore (*pro hac vice*)
Mike Chow (*pro hac vice*)
BRAUNHAGEY & BORDEN LLP
351 California Street, 10th Floor
San Francisco, CA 94104
Telephone: 415.599.0210
Facsimile: 415.276.1808
Email: levine@braunhagey.com
theodore@braunhagey.com
mchow@braunhagey.com

Attorneys for Plaintiff Polychain Capital, LP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Polychain Capital, LP,

Plaintiff,

v.

Http://Polychain-Cap.com, NameSilo,
L.L.C., PrivacyGuardian.org, and Does 1-
10,

Defendants.

Garret M. Biedermann (*pro hac vice*
forthcoming)
BRAUNHAGEY & BORDEN LLP
118 West 22nd Street, 12th Floor
New York, NY 10011
Telephone: 646.829.9403
Facsimile: 646.403.4089
Email: biedermann@braunhagey.com

No. 2:23-cv-01231-SMB

**STIPULATION REGARDING
PROPOSED ORDER OF
JUDGMENT AND DISMISSAL**

WHEREAS, on July 3, 2023, Polychain Capital, LP (“Polychain”), a
cryptocurrency and digital asset investment management firm, commenced this action
against Defendants <http://polychain-cap.com> (“Polychain-Cap.com”) and DOES 1-10 (the
“Doe Defendants”) alleging that the Doe Defendants had created and used Polychain-
Cap.com to defraud investors into believing they were transacting business and investing

1 with Polychain, when in fact they were transacting business and sending money to a
2 criminal organization;

3 WHEREAS, on July 19, 2023, Polychain filed an Amended Complaint naming as
4 additional Defendants NameSilo LLC (“NameSilo”), the domain registrar of Polychain-
5 Cap.com, and PrivacyGuardian LLC (“PrivacyGuardian” and, with Polychain and
6 NameSilo the “Parties”), a privacy service operated by NameSilo and used by the Doe
7 Defendants to mask their identities;

8 WHEREAS, Polychain is the owner of U.S. Trademark Registration No. 5511777
9 (the “POLYCHAIN Mark”) in International Class 36 for the following services:

10 Hedge fund investment services; Financial information, advisory, and consultancy
11 services; Financial services, namely, investment management, investment advice, funds
12 investment, investment consultation and investment of funds for others, including
13 cryptocurrency, decentralized application tokens and protocol tokens, blockchain based
14 assets and other cryptofinance and digital assets, private and public equity and debt
15 investment services; financial services, namely, operation and management of hedge
16 funds, commodity pools and other collective investment vehicles, and trading for others of
17 securities, options, futures, derivatives, debt instruments, cryptocurrency, decentralized
18 application tokens and protocol tokens, blockchain based assets and other cryptofinance
19 and digital assets, and commodities; public equity investment management; Financial
20 services, namely, investment advisory services regarding pooled investment vehicles,
21 funds investment, investment consultation, and investment of funds for others; Financial
22 services, namely, operation and management of hedge funds, commodity pools and other
23 collective investment vehicles, and trading for others of cryptocurrency, decentralized
24 application tokens and protocol tokens, blockchain based assets and other cryptofinance
25 and digital assets, securities, options, futures, derivatives, debt instruments and
26 commodities; investment banking services and advisory services.

27 WHEREAS, the Parties agree that the POLYCHAIN® Mark is a valid and
28 distinctive trademark. The term “POLYCHAIN” is a coined phrase that is entirely new,

1 and thus inherently distinctive. The term is suggestive but without further inference a
2 viewer of the POLYCHAIN® Mark cannot determine from the mark alone that Polychain
3 invests in cryptocurrency assets using blockchain technology, as nothing in the
4 POLYCHAIN® Mark describes the investment management services that Polychain
5 provides;

6 WHEREAS, the Parties agree that the POLYCHAIN® Mark is also well known as
7 a result of the recognition Polychain has received in the market, the cryptocurrency
8 industry and the industry press;

9 WHEREAS, the Parties agree that Polychain-Cap.com, including both its domain
10 name and the content that previously appeared therein, is identical or confusingly similar
11 to the POLYCHAIN® Mark;

12 WHEREAS, the Parties have conferred concerning the relief requested in
13 Polychain's First Amended Complaint;

14 WHEREAS, NameSilo and PrivacyGuardian have taken down the content
15 appearing on Polychain-Cap.com and have removed access to any email addresses
16 associated with Polychain-Cap.com on an interim basis;

17 WHEREAS, the Parties agree that Polychain-Cap.com is likely to cause consumer
18 confusion in that it is likely to confuse consumers into believing the domain is associated
19 with Polychain, when it is in fact associated with a criminal enterprise;

20 WHEREAS, the Doe Defendants, as registrants of Polychain-Cap.com, used
21 Polychain-Cap.com to profit from the POLYCHAIN® Mark;

22 WHEREAS, Polychain, NameSilo and PrivacyGuardian have cooperated in trying
23 to identify and locate the Doe Defendants that registered Polychain-Cap.com, but the Doe
24 Defendants concealed their true identities by registering the domain name under a
25 fictitious name and have made themselves impossible to find absent tools the Parties
26 understand to be available only to law enforcement agencies, such as the Federal Bureau
27 of Investigation;

28 WHEREAS, to avoid any potential for further consumer confusion, the Parties

1 wish to enter into this Stipulated Order of Judgment and Dismissal regarding Polychain's
2 claims against NameSilo, PrivacyGuardian and Polychain-Cap.com to effect the transfer
3 of ownership of Polychain-Cap.com to Polychain and the additional relief detailed below;

4 NOW, THEREFORE, it is STIPULATED AND AGREED as follows, subject to
5 the Court's approval of the attached Proposed Order:

6 Judgment shall be entered in favor of Polychain under the Anticybersquatting
7 Consumer Protection Act, 15 U.S.C. § 1125(d);

8 Judgment shall be entered in favor of Polychain under the Lanham Act, 15 U.S.C.
9 § 1114(1)(a), § 1114(1)(b), and § 1125(a);

10 NameSilo and PrivacyGuardian shall immediately transfer ownership of the
11 domain <https://polychain-cap.com> to Polychain;

12 Defendants shall be enjoined from making any further use of the [https://polychain-](https://polychain-cap.com)
13 [cap.com](https://polychain-cap.com) domain, including directing the <https://polychain-cap.com> domain to any website
14 or posting any content on <https://polychain-cap.com> or otherwise selling, transferring,
15 altering, or otherwise disposing of the <https://polychain-cap.com> domain's registration;

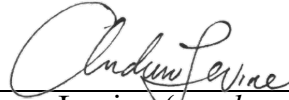
16 NameSilo shall be enjoined from making any use of the <https://polychain-cap.com>
17 domain until that domain is transferred to Polychain;

18 Defendants shall be enjoined from using or allowing the use of any email address
19 associated with the <https://polychain-cap.com> domain, including but not limited to
20 addresses containing @polychain-cap.com.

21 This action shall be dismissed with prejudice as to Defendants NameSilo,
22 PrivacyGuardian and Polychain-Cap.com.

1 DATED this 15th day of August, 2023.

2
3 BRAUNHAGEY & BORDEN LLP

4
5 By: 

6 Andrew Levine (*pro hac vice*)
7 Jeffrey M. Theodore (*pro hac vice*)
8 Mike Chow (*pro hac vice*)
351 California Street, 10th Floor
San Francisco, CA 94104

9 Garret M. Biedermann (*pro hac vice*
10 forthcoming)
11 118 West 22nd Street, 12th Floor
New York, NY 10011

12 SNELL & WILMER L.L.P.

13 Patricia L. Refo
14 Daniel M. Staren
One East Washington Street
Suite 2700
Phoenix, Arizona 85004-2556

15 *Attorneys for Plaintiff Polychain*
16 *Capital, LP*

17 NAMESILO LLC

18
19 

20 By: Kristaps Ronka, CEO
21 Name and Title

22 PRIVACYGUARDIAN LLC

23
24 

25 By: Kristaps Ronka, CEO
26 Name and Title
27
28